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DEC 13 2004

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

**Binie V. Lipps****Frederick W. Lipps**

Serial No.: 10/047,945

Filed: January 14, 2002

For: DIAGNOSIS AND TREATMENT  
FOR IMMUNOGLOBULIN E (IgE)  
IMPLICATED DISORDERS

§ ATTY DCKT NO: FWLPAT015US

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Art Unit: 1644

Examiner: Chaudhuri, Aniruddho Ray

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO REQUIREMENT TO ELECT SPECIES**

Sir:

In response to the Requirement to elect species mailed November 17, 2004 concerning the captioned patent application, please consider the following:

**Remarks**

Claims 1-18 are pending and are subject to restriction. Claims 1-8 have been withdrawn from consideration. Claims 9-18 have been provisionally elected.

The requirement to elect species made November 17, 2004 is, as pertains to claims 9-18, to elect a particular condition for diagnosis in the human to be treated with the peptide.

The condition is to be selected from asthma, diabetes, depression, systemic lupus erythematosus, rheumatoid arthritis, Sjogren's syndrome, Reiter's syndrome, Graves' disease, Addison's disease, or Hodgkin's disease as recited in claims 17-18. **The condition of diabetes is provisionally elected. Claims 9-17 are readable thereon.**

The requirement to elect species is traversed on the ground that only 10 species are set forth, and this is submitted to be a reasonable number. See 37 CFR 1.141. It is requested on this basis that the requirement be reconsidered and withdrawn.

The requirement to elect species is further traversed on the ground that species are not recited in claims 17 and 18. Claims 17 and 18 are combination claims since they require an additional method step over the claims from which they ultimately depend. Because the office action does not attempt to establish distinctness for combination/subcombination inventions, the requirement is in error on this basis and it is requested that it be reconsidered and withdrawn.

#### Conclusion

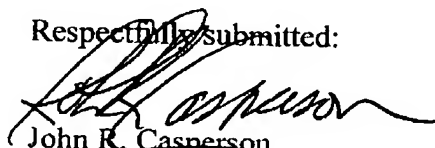
In view of the foregoing, reconsideration and withdrawal of the requirement to elect species and an early notice of allowance is respectfully solicited.

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Respectfully submitted:

  
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